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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/805,772	03/22/2004	Michael L. Creekmore	006429.00004	006429.00004 1232	
7303	7590 05/17/2005		EXAMINER		
FRANK J CATALANO			COURSON	COURSON, TANIA C	
	CATALANO, P.C. 5TH ST., 10TH FLOOR	ART UNIT	PAPER NUMBER		
TULSA, OK 74103-4990			2859		
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Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions time may be available under the provision of 37 CF8 1.35(a). In no event, however, may a reply be timely filed Extensions or time may be available under the provision of 37 CF8 1.35(a). In no event, however, may a reply be timely filed If the period for reply specified above its less than thery (50) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If the period for reply specified above, the maximum statutory period via application to become ABANDONED (3S U.S.C. § 133). Asy mays received by the Office date bene free maining date of the communication, became passed term subjustment. See 37 CF8 1.724(b). Status 1) Responsive to communication(s) filed on		Application No.	Applicant(s)				
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-13, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bahar et al. (US 6,203,168 B1).

Bahar et al. discloses in Figures 1 and 3, an illuminating box comprising: With respect to Claims 12-13 and 15:

- a) a substantially flat elongated member (Fig. 1, illuminating box 10) having a straight edge (Fig. 3, bottom edge 21), said edge having a lengthwise cavity therein (Fig. 3, interior chamber 19), an encased light source and a plurality of passages extending within said member from said light source (Fig. 3, three light bulbs 28), said cavity directing light at the workpiece (Fig. 3);
- b) said member having a chamber therein encapsulating said light source (Fig. 3, interior chamber 19), and;
- c) said member being a straight edge (Fig. 1, illuminating box 10).

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With respect to Claim 17:

a) a substantially flat elongated member (Fig. 1, illuminating box 10) having a

straight edge (Fig. 3, bottom edge 21);

b) said edge having a lengthwise cavity therein (Fig. 3, interior chamber 19);

c) at least one light source within said member dispersing light into said cavity

(Fig. 3, sources of light 20);

the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

d) said cavity directing the light at the workpiece (Fig. 3).

With respect to the preamble of the claims 1 and 17: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon

With respect to claims 1 and 17: With respect to the intended use of the apparatus, e.g. for abutment with the workpiece to be tested, for conducting light emitted from said source: It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the <u>claimed</u> apparatus from a prior art apparatus satisfying the <u>claimed</u> structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

It has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

With respect to claim 15, the straight edge disclosed by Bahar et al. is considered to be in a broad sense, a "machinist's" straight edge since Bahar et al. clearly shows the box having a linear edge (Fig. 3, bottom edge 21). Furthermore, the term "machinist's" does not add any structural limitation to the term "straight edge", thus it does not provide enough patentable weight.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bahar et al., as applied to claims12-13, 15 and 17 as stated above, and further in view of Queen (US 2,745,183)

Bahar et al. disclose an illuminating box as stated above in paragraph 2.

They do not disclose a member being a square.

Queen teaches a toolmaker's square that contains a member being a square (Fig. 1, blade 11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the an illuminating box of Bahar et al. so as to include a member being a square, as taught by Queen, in order to afford a direct reading of the deviation of

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the work from a right angle or other given predetermined angle (column 1, lines 17-18) during use of the tool.

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With respect to claim 16, the square disclosed by Queen is considered to be in a broad sense, a "machinist's" square since Queen clearly shows a toolmaker's square (Fig. 1).

Furthermore, the term "machinist's" does not add any structural limitation to the term "square", thus it does not provide enough patentable weight.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DIEGO F.F. GUTIERREZ SUPERVISORY PATENT EXAMINER GROUP ART UNIT 2859

TCC May 13, 2005

> G. BRADLEY BENNETT PRIMARY EXAMINER AU 2859

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